

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TYLER HARDY, et al.,
Plaintiffs,

v.

EMBARK TECHNOLOGY, INC., et al.,
Defendants.

Case No. 3:22-cv-02090-JSC

**ORDER REQUESTING ADDITIONAL
INFORMATION RE: PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL**

The Court has reviewed Plaintiffs' supplemental submission in support of their motion for preliminary approval of the class action settlement. (Dkt. Nos. 81, 82.) By noon September 25, 2023, the parties shall file:

1. The side agreement referenced in the Amended Stipulation and Agreement of Settlement (Dkt. No. 82-1 at ¶ 59) under seal; and
2. A revised notice which addresses the following:
 - a. Clarifying class members can object to the settlement **and/or** the request for attorneys' fees and costs, e.g. Dkt. No. 82-3 at 3, 11¹;
 - b. References to contact information for the Settlement Administrator should include a phone number and email address in addition to a mailing address, e.g. *Id.* at 8;
 - c. Clarifying the filings in support of the settlement, the motion for attorneys' fees, and the settlement agreement itself will be available on the website, e.g., *Id.* at 12;

¹ Record Citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of the document.

- 1 d. Clarifying the claims released if class members do nothing are only those
2 related the claims here, e.g., *Id.* at ¶ 22, 13; and
3 e. Including the information that no distribution will be made to class
4 members whose distribution is less than \$10.00 in the chart at the beginning
5 of the notice.

6 The further hearing regarding Plaintiffs' motion for preliminary approval remains set for
7 September 26, 2023 at 9:00 a.m. via Zoom video.

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9 **IT IS SO ORDERED.**

10 Dated: September 19, 2023

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13 JACQUELINE SCOTT CORLEY
14 United States District Judge
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